IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

RP.No. 1054 of 2006()

{JUDGMENT IN O.P.NO.918/03}

REVIEW PETITIONER/PETITIONER IN THE OP

B.PRASOBANAN,
ARUN NIVAS, MANKOTTY P.O., CHITHARA.

BY ADV. SRI.DEVAN RAMACHANDRAN

RESPONDENTS: RESPONDENT NOS.1 TO 7 IN THE OP

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1. THE JOINT REGIONAL TRANSPORT OFFICER,
KOTTARAKKARA.

2. THE DISTRICT COLLECTOR,
QUILON.

3. THE DEPUTY TAHSILDAR (R.R.),
TALUK OFFICE, KOTTARAKKARA.

4. SADASIVAN, S/O. MADHAVAN PILLAI,
RAJANI NILAYAM, MUTHALA, PALLICKAL.

5. S.ASHOKAN,
BABY MANDIRAM, KALLARA.

6. MR. ABDUL AZEEZ,
HARSHA MANZIL, ULIYAMKOTTU, PANGOTTU.

7. THE CIRCLE INSPECTOR,
KILIMANOOR CIRCLE, KILIMANOOR.

R1, R2, R3 & R7 GOVT. PLEADER SMT.LAKSHMI RANI
R6 BY ADV.SRI.T.A.UNNIKRISHNAN.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 01/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

R.P.No.1054 OF 2006 &
C.M.Appl.1819 OF 2006

Dated this the 1st day of December, 2006

O R D E R

The writ petitioner has filed this review petition.

2. He is the registered owner of a vehicle, in relation to which, motor vehicles tax was due. It is a stage carriage. The writ petition was filed challenging the revenue recovery proceedings taken against him. That was repelled as per the impugned judgment holding that being a registered owner, he is liable to pay tax. It was also noticed that the vehicle being a stage carriage, any transfer of the vehicle should have been only with knowledge of the authorities. It was further held that no agreement between private parties can be a ground on which the State could be tied down from recovering dues to it.

3. This review petition with an application to condone delay of 94 days is filed on the ground that the judgment is to be reviewed by directing that revenue recovery proceedings shall

first proceed against the vehicle which is already seized. I do not find any sufficient ground to review the judgment. The review petition fails. The same is accordingly dismissed. The application to condone delay is also dismissed.

It is further clarified that this judgment will not stand in the way of the authorities proceeding against the vehicle also.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.